

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

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Serial Number: 09/583,216

Dkt: 2043.157US1

Filing Date: May 30, 2000

Title: METHOD AND SYSTEM FOR REPORTING FRAUD AND CLAIMING INSURANCE RELATED TO NETWORK-BASED TRANSACTIONS

REMARKS

This responds to the Office Action mailed on March 11, 2005. No claims have been amended, canceled, or added. Claims 1-20 are pending in this application.

§103 Rejection of the Claims

Claims 1-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Campbell (U.S. Publication No. 2001/0041993) in view of Vaidyanathan et al. (U.S. Publication No. 2004/0059596).

First, Applicants respectfully submit that the combination of Campbell and Vaidyanathan does not disclose or suggest at least “associating an identifier to the complaint” (Claim 1, 19); and “a processing unit...to associate an identifier to the complaint” (Claim 10).

In contrast, Vaidyanathan discusses a system in which identifiers are associated to users (e.g., sellers and buyers) rather than to a complaint. Specifically, in Vaidyanathan, a seller “enters its identification and password information” (Vaidyanathan, [0051]), and the system associates to the seller “unique user identification information such as his or her electronic mail address, name, credit card type and number, and billing address” (Vaidyanathan, [0054]). Similarly, Campbell has nothing to do with associating an identifier to a complaint. In Campbell, “a claim can be initiated by a claimant, an attorney for the claimant, an insurance carrier, or an insurance agent” (Campbell, [0031]), and this claim is manually associated with various parties through notification (e.g., “the claimant is... notified by the insurance carrier or the insurance agent”) through means such as telephone or email.

Second, if anything, the combination of Vaidyanathan and Campbell teaches away from associating an identifier to a complaint, because the “complaint wizard” used during the

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“complaint prefiling process” (Vaidayanathan, [0056]) “prompts the complainant to enter the other party’s user identification number and the date of the transaction” rather than their complaint identifier, and because Campbell does not associate an identifier to a complaint (e.g., various parties are “notified by the insurance carrier or the insurance carrier that a claim has been initiated on the claims server 104” (Campbell, [0031]), and identifiers are associated with parties to a complaint rather than the complaint itself).

Third, Applicants respectfully submit that the combination would not work, and that it is impermissible hindsight to combine the insurance mediation system of Campbell with the human dispute resolution port system of Vaidayanathan. Furthermore, it would be impermissible hindsight to combine the dispute resolution port system of Vaidayanathan and the insurance mediation system of Campbell.

Applicants respectfully submit that independent claims 1, 10, and 19 are allowable at least for the reasons above. Furthermore, Applicants respectfully submit that dependent claims 2-9, 11-18, and 20 are allowable at least because they depend on an allowable independent claim.

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CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-278-4042 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 05/11/05

By 

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I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the 11th day of May 2005.

Dawn R. Shaw

Name


Signature

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